

CHECK

STOCK

TF No. 713-755-6228

JUL 15 1992 14:04 No. 011 P. 03

HARRIS COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 73-06120646

COMPLAINANT (LAST, FIRST, MIDDLE) STATE OF TEXAS		LOCATION OF OFFENSE 250 WALDE #75				DATE 6/12/92
REPORTER/WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
BUSINESS ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
WORK ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
WORK ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
INTRODUCTION/YOUR LOCATION 300 NORMANDY		FROM WHOM DISA	TIME RCVD 849 AM	TIME ARRIVED 855 AM	FIRST OFFICER ON SCENE HARLEY	
SCENE SUMMARY: THE SCENE WILL BE APT #75 AT THE OAKS OF WOODFOREST APT. COMPLEX, LOCATED AT 250 WALDE ON THE WEST SIDE OF THE HONOLULU. APT #75 IS ON THE FIRST FLOOR OF A TWO STORY APT. BUILDING THAT CONTAINS NUMEROUS OTHER APTS. APT #75 FACES NORTH. VISIBILITY EXCELLENT DUE TO ARTIFICIAL INTERIOR LIGHTING DURING DAYTIME HOURS.						
INVESTIGATIVE NARRATIVE: ON FRI. 6/11/92 AT 849 AM, I, DEPUTY C. HARLEY, #12551 WAS ON PATROL IN THE 300 BLK OF NORMANDY, WHEN I WAS ADVISED BY THE DISA OF A SHOOTING, TWO WOUNDED OR DEAD. AND A LARGE AMOUNT OF DOLLAR MONEY AT 250 WALDE #75 THE OAKS OF WOODFOREST APTS. UPON MY ARRIVAL, AT 855 AM, I FOUND THE FOLLOWING: AS DEPUTY C. WHITSEY, #4557, DEPUTY M. SMITH, #4557, AND I						
HOSPITAL	AMBULANCE/NO. OF ATTENDANTS		DOCTOR		INJURIES	M. E.
EVIDENCE/PROPERTY RCVD	PROPERTY ROOM	TAG #	CRIME LAB	PHOTOS	OTHER	

HALAIS COUNTY SHERIFF'S DEPARTMENT
 SUPPLEMENT REPORT

CASE NUMBER 92-06120646

APPROACHED THE APT. WE OBSERVED THREE BULLET HOLES ABOUT HEAD LEVEL IN A BEDROOM WINDOW ADJACENT TO THE FRONT DOOR. I ALSO OBSERVED A BULLET HOLE IN THE FRONT DOOR, APPROX. AT EYE LEVEL.

REALIZING THE DISTINCT HOSTILITY THAT THESE WERE WOUNDED OR DEAD IN THE APT., I KNOCKED ON THE FRONT DOOR AND PUSHED. THE DOOR, WHICH WAS NOT LOCKED, OPENED. I YELLED "SERIES" AND ENTERED, ALONG WITH DEPUTIES WHITSEY AND SMITH. AS OUR EYES ADJUSTED TO THE LIGHT DIFFERENCE, WE HEARD A VOICE SAY "I'M IN HERE. DON'T SHOOT". THE VOICE CAME FROM A B/M, WHO IDENTIFIED HIMSELF AS HOYLE MITCHELL, WHO WAS GETTING OUT OF A BED IN THE MASTER BEDROOM. I DIRECTED HIM TO A COUCH IN THE LIVING ROOM. A SECURE PLACE. ALSO IN THE BED, ON THE FAR SIDE, WAS A W/F IDENTIFIED BY HER TOL AS TRACEY LYSACK, 2/26/73. AFTER SECURING HER AND CLEARING THE APT. FOR OUR SAFETY, DEPUTIES WHITSEY AND SMITH BEGAN TALKING WITH OCCUPANTS. AS THIS WAS TAKING PLACE I NOTICED TWO PISTOLS ON THE MASTER BEDROOM FLOOR WITHIN ARMS REACH OF WHERE THE B/M HAD BEEN LYING ON THE BED.

GENTLY RECOVERING THE PISTOLS, I FOUND THAT ONE PISTOL WAS A SIX INCH BLUE STEEL, S/W, .44 MAGNUM MODEL 29, SN#B93047. THE SECOND PISTOL, A TWO INCH BLUE STEEL, S/W, .38 S&WAL, MODEL 36, SN#B5052 WAS LOADED WITH SIX LIVE ROUNDS. THE .44 MAG. HAD FOUR S&W ROUNDS AND TWO LIVE. CHECKING THE SERIAL NOS. WITH OUR DESK, I WAS ADVISED THAT THE .38 WAS NOT REPORTED STOLEN. HOWEVER, THE .44 MAG. WAS REPORTED STOLEN UNDER HCSO CASE NUMBER 91-05170785, AND WAS A MURDER WEAPON, THAT HAD NEVER BEEN RECOVERED. I THEN SECURED BOTH GUNS IN MY PATROL CAR.

AS THIS WAS TAKING PLACE, SGT. J. RANKIN, US55 ARIZONA, AND OBTAINED A VOLUNTARY CONSENT TO SEARCH FROM MR. MITCHELL. UPON RETURNING TO THE APT. MR. MITCHELL STATED THAT AT APPROX. 100 AM 6/12/92, FRI. TWO UNKNOWN B/M'S, WEARING SKE MASKS, HAD PUSHED THEM AWAY IN BEDDING HIS GIRLFRIEND TRACEY LYSACK, AND POINTED UNKNOWN TYPES OF GUNS AT THEM. ACCORDING TO MR. MITCHELL THE TWO UNKNOWN

REPORTING DEPUTY

UNIT #

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SS #

DATE OF REPORT

EL PASO COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

B/M'S DEMANDED MONEY. MR. MINDENHALL STATED THAT HE WAS ABLE TO GET TO THE MASTER BR. AND RETRIEVE THE .44 MAGNUM. AND FIRE FOUR SHOTS, FROM THE BEDROOM, AT THE TWO SUSPECTS. HE THEN ADVISED THAT BOTH SUSPECTS THEN FLED.

AS MR. MINDENHALL WAS RELATING THE STORY TO ME A QUICK SEARCH OF THE APT. WAS TAKING PLACE. THE SEARCH REVEALED A CASHBOX IN A HALLWAY CLOSET THAT WHEN OPENED CONTAINED A HEAVY WHITE POWDERY RESIDUE. SGT. KAVITA, USING A "C-NAK" TEST KIT OBTAINED A POSITIVE RESULT FOR COCAINE. WE ALSO FOUND A LOCKED CLOSET DOOR ADJACENT TO THE BATHROOM. THE DOOR HAD NO KNOB, ONLY A KEY LOCK.

FORCING THE DOOR OPEN, WE FOUND A SAFE MADE BY STAR MODEL # UNK SET IS 51077 STANDING AGAINST A WALL. THE SAFE, APPROX. FOUR FT. TALL AND APPROX THIRTY INCHES WIDE, WAS THE ONLY ITEM IN THE CLOSET, NO CLOTHING OR PERSONAL ITEMS. REALIZING THAT THE INVESTIGATION WAS TAKING DIFFERENT TURN, WE STOPPED OUR SEARCH, AND AWAITED THE ARRIVAL OF THE NARCOTICS DOGS. AT THIS POINT, DEPUTY SMITH TRANSPORTED BOTH SUBJECTS TO STA. 3 FOR FURTHER INVESTIGATION.

WHILE AWAITING THE ARRIVAL OF THE DOG UNITS I CHECKED THE PARKING AREA NORTH OF THE APT. FOR ANY PHYSICAL EVIDENCE. THERE I FOUND A LARGE CALIBER SLUG, DEFORMED, APPROX. ONE HUNDRED FEET FROM THE APT. DUE TO THE LARGE NUMBER OF BYSTANDERS, BY THIS TIME I RECOVERED THE SHOT SLUG. AS I WAS LOOKING FOR MORE I WAS APPROACHED BY A W/F WHO IDENTIFIED HERSELF AS PAULA PITTS 6/24/64, ISD #1A16#94 P#455-2942. AND A B/F, WHO IDENTIFIED HERSELF AS KARENDA CONNER, 11/7/64 ZED #1A16#90, NO #NONE. THEY BOTH STATED THAT THE B/M FROM APT#95, DID INDEED LIVE THERE, AND WAS KNOWN TO THEM AS "GUESS". THEY ALSO ADVISED ME THAT A SECOND B/M KNOWN TO THEM AS "DEREK", ALSO LIVED THERE. THE B/M "GUESS" RETRIEVED HIS CLOTHES FROM THE SECOND BEDROOM.

AT APPROX 1015AM OFFICER G. DOYLE, HPD, ARRIVED ON THE SCENE WITH HIS DOG. OBSERVING THE DOG WORK, THE DOG REACTED VIOLENTLY (POSITIVE) TO BOTH THE CASHBOX IN THE HALLWAY AND THE LOCKED SAFE IN THE CLOSET. A SHORT

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HARRIS COUNTY SHERIFF'S DEPARTMENT
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TIME LATER OFFICER N. CHALINE, ALSO WITH HPD, ARRIVED WITH HIS DOG. HE WAS ALSO ALERTED POSITIVE TO BOTH THE CASHBOX AND THE SAFE.

DEPUTY SMITH, AT STA 3 WITH BOTH SUBJECTS, OBTAINED A VOLUNTARY CONSENT TO SEARCH FOR THE SAFE IN THE CLOSET FROM MR. MERRIN HALL. WE THEN WERE ABLE TO REMOVE THE SAFE, WHICH WAS EXTREMELY HEAVY, FROM THE CLOSET TO THE TO THE PATIO AREA IN ORDER TO OPEN IT. AS WE WORKED TO OPEN THE SAFE, WE TOOK A SHORT BREAK TO REST. WHILE WE STOPPED MOMENTARILY I OBSERVED A LATE MODEL MAROON 4-DR. NISSAN, PARKED IN FRONT OF THE APT., OCCUPIED BY ONE B/M. BOTH FITTS AND CONNER BEGAN YELLING "THAT'S HIM, THAT'S THERE".

OFFICER CHALINE AND I THEN APPROACHED THE B/M, AND ASKED FOR HIS T.O.L. HE ADVISED ME THAT HE DID NOT HAVE A D.L. WITH HIM. AT THIS POINT OFFICER CHALINE AND I SECURED HIM, PENDING FURTHER INVESTIGATION. AT APPROX. 1110 AM, SGT. RANKEN OFFICERS NOYCE, CHALINE, AND I, SUCCEEDED IN OPENING THE SAFE, AND FOUND A LARGE AMOUNT OF AMERICAN CURRENCY.

SGT. RANKEN THEN NOTIFIED LT. GRIFFIN, HARRIS CO. NARCOTICS AND ADVISED HIM OF THE SITUATION. A SHORT TIME LATER, DET. T. PRUITT AND R. DANIELS ARRIVED ON THE SCENE. DET. PRUITT AND I TRANSPORTED THE CASH TO THE OCU OFFICE WHERE IT WAS THEN TAKEN BY DET. PRUITT AND D.A. INVESTIGATOR JOE VACA TO AMERICAN BANK TO BE COUNTED. DEPUTY WHITSEY TRANSPORTED THE SECOND B/M, DEREK THOMAS, TO STA. 3 WHERE THEY WERE LATER INTERVIEWED BY NARCOTICS DETS. THE TWO RESTOLS WERE RELEASED TO NARCOTICS DET. TAMARU 113104, AT APPROX. 3 PM, FEB. 6/12/12. I.D. UNIT # 708 PROCESSED THE SCENE. SEE I.D. SUPPLEMENT, BY DEPUTY R. SHIELDS. THE LOCKING CASH BOX WAS RELEASED TO LT. N. GRIFFIN, AND WILL BE SUBMITTED TO M.D.'S OFFICE FOR FURTHER ANALYSIS. A GREEN ZIP-UP BAG, WHICH HAD CONTAINED CURRENCY INSIDE THE SAFE WAS SUBMITTED TO THE PROPERTY ROOM FOR STORAGE. SUBJECTS RELEASED TO OCU DETECTIVES. THE MICRO-CASSETTE TAPE FROM THE ANSWERING MACHINE WAS ALSO PLACED IN THE PROPERTY ROOM FOR SAFE KEEPING.

REPORTING DEPUTY

UNIT #

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SS #

DATE OF REPORT

JUGOR JUSTICE INFORMATION MANAGEMENT SYSTEM JUN 17 1992
 SPRIG SHERIFF'S PROPERTY ROOM PAGE 07 OF 13
 MULTIPLE ITEM ENTRY
 OPT: _____
 CASE #: 9105170385 SUBMIT OFF: OIL HULK HON DIV. _____ LAST UNIT: 01 OF 01
 BADGE: _____ SUBMIT DATE: 052391L CR: _____ CHASE #: _____
 DEFENDANT: UNP _____ ME #: _____ OPS #: _____
 FBI #: _____ MASTER TAG: _____ NAFL #: _____ OFFENSE TYPE 99900
 REC'D BY: K. SPURLOCK PROPERTY ROOM _____ CARRIER: OIL HULK HON DIV. _____
 ALSO #: _____ *Wif*

QTY	STOP LOC	TYPE	MAKE	MODEL	CAT	SERIAL NUM	ITEM-ID
1	RM15BX6	E			ACC		50558
DECL. 2-LIVE .44 ROUNDS (REC. SEALED-061592 FROM DET. CONP. HON DIV.)							
1	RM15BX6	E			ACC		50559
DECL. 4-SPENT CARTRIDGES (REC. SEALED-061592 FROM DET. CONP. HON DIV.)							
1	RM15BX6	E			ACC		50560
DECL. 1-SPENT .44 BULL (REC. SEALED-061592 FROM DET. CONP. HON DIV.)							

*** 3- ADDS PROCESSED ***

1-ENTER ENTRY 2=RE-SORT 3=RELEASE UPDT 4=RETURN UPDT 5=DELETE UPDT
 6=VIEW THE UPDT 7=BACK 8=FRWD 9=INQUIRY 10=RECEIVE 11=HELP

JURGY JUSTICE INFORMATION MANAGEMENT SYSTEM JUN 15- 1991
 SPRIG SHERIFF'S PROPERTY ROOM PAGE 1 OF 1
 MULTIPLE ITEM ENTRY G.FOLL:
 CRT:
 BASE #: 9206120646 SUBMIT OFF: G.HURLEY (NOT SPOT) DIST/UNIT: 42 31
 BADGE : SUBMIT DATE: 061592 CRT: CAUSE #:
 DEFENDANT: UNK NE #: DPS #:
 FBI #: MASTER TAG: NARC #: OFFENSE TYPE: 331100
 REC'D BY: R.E.SCHODD CARRIER: DET TONRY (NOTICE)
 MISC #: Y

QTY	STOR LOC	TYPE	MAKE	MODEL	CAT	SERIAL NUM	ITEM-ID
1	P 10506	E	SM	36	WEA	352653	5253
DESC: 1* S&W 38 CAL REVOLVER S# 352653 M# 36 (DISTURBANCE)							
5	P 10508	E			ROC		5355
DESC: 5* LEVE 38 CAL ROUNDS							

DESC:
 *** (2) ADDS - PROCESSING *** (2)
 1=SINGLE ENT 2=PE-COPY 3=RELEASE UNIT 4=RETURN UPOT 5=DESTRUCT UPOT
 6=RECEIVE UNIT 7=BACK 8=PRVD 9=INQUIRY 10=REFRESH 11=HILL

JURYW (6ND2) JUSTICE INFORMATION MANAGEMENT SYSTEM NOV 07, 2003(C2)
 SPR30 SHERIFF'S PROPERTY ROOM OPT _____ SPR
 RELEASE PAGE: 17 - 17

NUM> C 9105170385 SUBMITTED BY: _____
 DATE: _____ RECEIVED BY: _____
 DIST: _____ UNIT: _____ LOC: _____ CRT> _____ CAT> _____ PROP TYPE> _____
 MAKE> _____ MODEL: _____ DESC: _____ HLD> _____

** RELEASE INFORMATION ** RELS ONLY>

RELEASE DATE: 11072003

RELEASE DEPUTY: L.K. BARR

RELEASE TIME: 1200

RELEASE AUTHORITY: PROPERTY ROOM

TDL NUMBER: _____

RECEIVED BY: DEL. TONNY (HOMICIDE)

COMMENT: RELSD FOR COURT

HOLD	NUM	DESCRIPTION
<AD>	CHF 9105170385	1 SPENT .44 SLUG(REF,SEALED,951592 FROM DET.TUN
<AD>	CHF 9105170385	SEALED ENVELOPE W/ CLOTHING & BINDING(REF. 9-26
<RD>	CHF 9105170385	1) SAW 44 CAL REVOLVER # NB93047 N# 29-3 (1990

1/4 M

TONNY RELEASED TO
 INVESTIGATION S. JONES
 11-7-03 12:45 AM

* (83) RECORDS FOUND **

=>

=MULTI ENT 2= SINGLE ENT 3= RELEASE ALL 4= ATTACH SUMM 5= RETURN
 =RLSE UPDT 7= BACKWARD 8= FORWARD 9= PROP INQ 10= REFRESH 11= HELP

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENTCASE NO: 9206120646
Date: 03/22/11 Time: 16:42
Page: 1

Type of Offense: SHOOTING INVESTIGA CAD NATURE CODE

Dispatch Location	Ali	Grid	Beat	District	Comm
250 UVALDE RD		457W	3A1	33	S1
Reported Location	Ali	Grid	Beat	District	Comm
250 UVALDE RD		457W	3A1	D3	S1

At/Between	Date/Time	Date/Time
BETWEEN	06/12/92 08:49	06/12/92 17:00

Premises Involved:	Method of Entry :
Point of Entry :	Point of Exit :
Inst/Tool Used :	Weather Condition:
Cause of Fire :	Latent Prints: Scene Photos:

Persons Involved Information:

Ty/No	Name/Address	Rel to Offender	AGE	RACE	SEX	HISP
R01 REFUSED	OAKS OF WOOD FOREST					
		713-691-9452				

Date of Birth :	Social Security No :
Drivers License :	State :
Condition :	Taken To : Transported by :
Employment :	

Phone :	ext :
---------	-------

Officers Involved:

P Name	TDISP	TENRT	TARRD	TCLRD	DIS	CBY
P WORLEY, GARY	08:49	08:49	08:55	18:00	REP	DMA
B SCHIELD, R L	14:41	14:41	15:28	15:51	CBU	DMA
B MERCHANT, ROBT	09:01	09:01	10:20	12:11	CBU	DMA
B RANKIN, JAMES	08:59	08:59	09:01	13:41	CBU	DMA
B SMITH, MARK B	08:58	08:58	08:58	18:00	CBU	DMA
B WHITSEY, C M	08:50	08:50	08:55	18:00	CBU	DMA

Status / Disposition Report Status: DRA UCR Clearance: OPN

Name	Date	Initial Entry
SCHIELD, R L	06/12/92	

Related Cases

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENT

CASE NO: 9206120646
Date: 03/22/11 Time: 16:42
Page: 2

Property Involved:					Value/ Loss
Per/No Item	St Brand	Type	NIC Number	Serial Number	
NO PROPERTY FOR THIS CASE					

Vehicle Involved:						Value/ Loss	
Per/No	Status	Make	Model	Lit	VCO	LIC	LIS

Synopsis of Offense:

Suspects Involved:

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENT

CASE NO: 9206120646
Date: 03/22/11 Time: 16:42
Page: 3

Supplement number: 1
ENTERED BY: SCHIELD, R L Date: 06/12/92 Time: 18:18
Approved by: MORGAN, DAVID Date: 06/15/92 Time: 09:08

///

ON FRIDAY, 6/12/92 AT 235PM WHILE IN THE IDENTIFICATION DIVISION, I, DEPUTY
K. L. SCHIELD, UNIT 7108, WAS INSTRUCTED BY LT. MORGAN TO PROCEED TO THE
ABOVE ADDRESS IN REFERENCE TO A SHOOTING INCIDENT/MONEY RECOVERY. I WENT EN-
ROUTE AND ARRIVED AT 305PM WHERE I MET WITH DEPUTY WHITSEY, UNIT 4554.

SCENE DESCRIPTION

THE SCENE WAS IN THE OAKS OF WOODFOREST APARTMENTS. THE ACTUAL SCENE WAS IN
APT. 95. THIS IS A LOWER LEVEL UNIT ON THE SOUTHWEST SIDE OF THE COMPLEX. THE
UNIT HAS MAIN ENTRY THROUGH A FRONT DOOR WHICH OPENS TO THE WEST. THERE IS
ALSO A GLASS SLIDING DOOR WHICH OPENS TO THE NORTH. I ENTERED THROUGH THE
GLASS DOOR AND TURNED TO THE RIGHT AND WAS IN THE LIVING ROOM. IN THE FRONT
DOOR TO THE APT. WAS A THROUGH AND THROUGH GUNSHOT. THE LIVING ROOM HAS A
WINDOW THAT FACES TO THE NORTH, AND THERE IS A BULLET HOLE THROUGH THE BLINDS
AND THROUGH THE WINDOW PANE. I THEN WENT TO THE BEDROOM LOCATED ON THE WEST
SIDE OF THE APT AND IN THE DOOR WAS ANOTHER THROUGH AND THROUGH BULLET HOLE.
I WENT INTO THE BEDROOM AND THERE ARE SOME WINDOWS ON THE NORTH SIDE OF THE
ROOM AND THERE ARE THREE BULLET HOLES IN THE GLASS. ON THE BED IN THE ROOM WAS
A PARTIAL BOX OF W/W .38 SPECIAL AMMUNITION. I WENT DOWN A HALLWAY LEADING
FROM THE BEDROOM TO ANOTHER BEDROOM AND IN THE BATHROOM AREA A PLYWOOD COVER
OVER THE BATHTUB HAD BEEN PULLED DOWN, EXPOSING THE AIR CONDITIONING SYSTEM.
AT THE EAST END OF THE HALLWAY WAS A CLOSET THAT HAD HAD THE DOOR FORCED OPEN,
AS THE WOOD TRIM AROUND THE INSIDE OF THE DOOR WAS BROKEN. THE DOOR WAS INSIDE
THE CLOSET.

OUTSIDE THE APT. IN THE PARKING LOT WAS A BLACK 240SZ DATSUN WITH A FLAT
TIRE, BEARING TEXAS DCK 59R. THERE WAS ALSO A MAROON NISSAN MAXIMA, BEARING
TEXAS CWH 70G IN THE PARKING LOT. LOADED ONTO THE BACK OF DISSPAYNE WRECKER,
WAS A TAN COLORED SAFE THAT HAD THE DOOR FORCED OPEN.

I TOOK SEVERAL COLOR PHOTOGRAPHS OF THE SCENE AND ALSO MADE A VIDEO TAPE
OF THE APT, SHOWING THE VEHICLES ALSO. THE VEHICLES WERE TAKEN TO STATION 3
UNDER COVERED STORAGE AND SOME MORE PHOTOS WERE TAKEN.

I ALSO TOOK SOME COLOR PHOTOS OF THE ONE FEMALE AND TWO MALES THAT HAD BEEN
PLACED INTO CUSTODY IN RELATION TO THIS INCIDENT. DEPUTY K. LACY, FEMALE
JAILER WAS PRESENT WHEN PHOTOS WERE TAKEN OF THE FEMALE.

NO EVIDENCE WAS COLLECTED BY ME AT THE SCENE. THE SCENE PHOTOS AND VIDEO]
WILL BE STORED IN THE I.D. SECTION UNDER THE ABOVE INCIDENT NUMBER.

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENT

CASE NO: 9206120646
Date: 03/22/11 Time: 16:42
Page: 4

Supplement number: 1

ENTERED BY: SCHIELD, R L
Approved by: MORGAN, DAVID

Date: 06/12/92 Time: 18:13
Date: 06/15/92 Time: 09:08

DATE AND TIME OF THIS REPORT 6/12/92 @ 7:14PM

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENT

CASE NO: 9206120646
Date: 03/22/11 Time: 16:42
Page: 5

Supplement number: 2
ENTERED BY: SCHIELD, R L Date: 06/25/92 Time: 15:09
Approved by: SKILLERN, BILL Date: 06/25/92 Time: 21:16

ON 6/25/92 AT 0930HRS, I, DEPUTY R. L. SCHIELD, UNIT 7108 WENT TO DISSPAYNE RECKER AT 2000 HWY 90 AND PROCESSED FOR LATENT PRINTS THE SAFE THAT HAD BEEN RECOVERED IN THE ABOVE CASE. NO PRINTS WERE DEVELOPED FROM THE INSIDE OF THE SAFE AS REQUESTED.

DETECTIVES WILL DISPOSE OF THE SAFE

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENT

CASE NO: 9206120645
Date: 03/22/11 Time: 16:42
Page: 6

Supplement number: 3
ENTERED BY: CURRY, DONNA Date: 05/04/00 Time: 10:05
Approved by: Date: Time:

ON 042800 A FAX OF THIS REPORT WAS SENT TO SGT. BILLINGSLEY OF HCSO, DUE
TO HIS REQUEST FOR AN ONGOING INVESTIGATION. THE REPORT WAS FAXED TO 713 672-
8588. HIS PHONE NUMBER IS 713 672-8835.

CAUSE NO. 599218 DEFENDANT'S NAME EUGENE BROXTON
 IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, PAM KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

- 1 Video
 2 3 Warrants
 4 consent to search
 5 waiver
 6 Property receipt
 7 8 9 ~~copy of photo messages~~ photo spreads

DEFENDANT'S EXHIBITS

- 1-7 diagrams
 8 photo messages
 9 copy of disk night
 Hand 1 Chart
 Hand 2 Diagram
 Hand 3 "

Pam Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: July 4 19 11
 TIME: 1:35 A.M./P.M. By Ray Hardy Deputy

CAUSE NO. 599218 DEFENDANT'S NAME EUGENE BROXTON
 IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, PAM KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

- 10 ~~ask notes~~ video
 11-12 photos

DEFENDANT'S EXHIBITS

- 11 newspaper
 12
 13

Pam Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: July 10 19 11
 TIME: 1:35 A.M./P.M. By Ray Hardy Deputy

IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. 209th OF HARRIS COUNTY, TEXAS

I, PAMELA K KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court

at Law No. 209th, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:

(LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

- ✓ 1 Key map large
- ✓ 2 Room diagram
- ✓ 86 photographs
- ✓ 88-89 ~~2 sheets mattress pad, part of mattress~~
- ✓ 90 ~~part of mattress pad~~

DEFENDANT'S EXHIBITS

- ✓ 1 diagram
- ✓ 2-7 photos
- ✓ 8, 9 diagrams
- ✓ 10-14 photos
- ✓ 20 video
- ✓ 24-28 photos

FILED
KATHLEEN TYRA
HARRIS COUNTY CLERK
MAY 11 2 35 PM '11

Pam Knobloch
COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 10 19 11

RAY HARDY, District Clerk, Harris County, Texas

TIME: 4:35 A.M./P.M.

By [Signature] Deputy

5-E

EXHIBIT FILE

CAUSE NO. 599218 DEFENDANT'S NAME 23 Eugene Braxton

IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. 209th OF HARRIS COUNTY, TEXAS

I, PAM KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court

at Law No. 209th, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:

(LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

- ✓ 91 mattress pad
- ✓ 92 mirror
- ✓ 93 gun case
- ✓ 94 comforter
- ✓ 99 sheet rock
- ✓ 101 2 shell casings

DEFENDANT'S EXHIBITS

- ✓ 29, 30 diagram
- ✓ 31 records
- ✓ 32 diagram
- ✓ 33 video
- ✓ 34 a, b teddy
- ✓ 35 parties

FILED
KATHLEEN TYRA
HARRIS COUNTY CLERK
MAY 11 2 35 PM '11

Pam Knobloch
COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 10 19 11

RAY HARDY, District Clerk, Harris County, Texas

TIME: 4:35 A.M./P.M.

By [Signature] Deputy

5-E

CAUSE NO. 599218 DEFENDANT'S NAME Eugene Broxton
 IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, _____ Court Reporter for the 209th District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS
103 projectiles
104 purse
105 wallet
106 watch
107 knife
108 108-A Photocopy of gun marked 108 (by court order to Rastor - prepared)
May 12, 1992

DEFENDANT'S EXHIBITS
37 glass pipe
38 12 stringer
39 records
40-42 photos
43 records
44 Exxon Street

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 11 19 92 RAY HARDY, District Clerk, Harris County, Texas
 TIME: 4:00 A.M./P.M. By Pam KNOBLOCH Deputy

CAUSE NO. 599218 DEFENDANT'S NAME Eugene Broxton
 IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, PAM KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS
109 ring
110 keys w/ remote
113 22 pistol Model 1 K6 23 Cal 22 LR F-T 706288
114 bag w/ 22 shells
117 calendar book
118 savings book

DEFENDANT'S EXHIBITS
45 compsile
47-60 records
62-63 charts

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 11 19 92 RAY HARDY, District Clerk, Harris County, Texas
 TIME: 3:50 A.M./P.M. By Pam KNOBLOCH Deputy

CAUSE NO. 599218 DEFENDANT'S NAME Emagno Broxton
 IN THE 20th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, _____ Court Reporter for the 20th District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

119 voided checks ✓
120 address book ✓
121 note pad ✓
122 ~~122~~ photos ✓
126 3 skill bearings ✓
127, 128 medicine records ✓

DEFENDANT'S EXHIBITS

FILED
 KATHLEEN TYRA
 DISTRICT CLERK
 HARRIS COUNTY, TEXAS
 MAY 11 2 35 PM '11

Ram Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 4 11 19 11
 TIME: 4:55 A.M./P.M.

RAY HARDY, District Clerk, Harris County, Texas

By Ray Hardy Deputy

CAUSE NO. 599219 DEFENDANT'S NAME Emagno Broxton
 IN THE 20th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, RAM KNOBLOCH Court Reporter for the 20th District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

129 deposition ✓
130 diagram ✓
131 photo ✓
134-137 hair ✓
138, 139 ~~138~~ blood samples ✓
140-147 photos ✓

DEFENDANT'S EXHIBITS

FILED
 KATHLEEN TYRA
 DISTRICT CLERK
 HARRIS COUNTY, TEXAS
 MAY 11 2 35 PM '11

Ram Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 4 11 19 11
 TIME: 4:55 A.M./P.M.

RAY HARDY, District Clerk, Harris County, Texas

By Ray Hardy Deputy

AUSE NO. 599218 DEFENDANT'S NAME EUGENE BROXTON
 IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. 209th OF HARRIS COUNTY, TEXAS
 I, DAM KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court
 at Law No. 209th, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

150 pen packets ✓
151 photo ✓
152 video ✓
3-158 photos ✓
159 prison slip ✓
162 records ✓

DEFENDANT'S EXHIBITS

FILED
 KATHLEEN TYRA
 DISTRICT CLERK
 HARRIS COUNTY
 MAY 11 2 25 PM '92

Dam Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 11 19 2011
 TIME: 4:45 A.M./P.M.

RAY HARDY, District Clerk, Harris County, Texas

By [Signature] Deputy

CAUSE NO. 599218 DEFENDANT'S NAME EUGENE BROXTON
 IN THE 209th DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. 209th OF HARRIS COUNTY, TEXAS
 I, DAM KNOBLOCH Court Reporter for the 209th District Court/County Criminal Court
 at Law No. 209th, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

164 photo spread ✓
16-170 photo ✓
171 video ✓
12-176 photo ✓
177 video ✓
178 delinquency log ✓

DEFENDANT'S EXHIBITS

FILED
 KATHLEEN TYRA
 DISTRICT CLERK
 HARRIS COUNTY
 MAY 11 2 25 PM '92

Dam Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 11 19 2011
 TIME: 4:30 A.M./P.M.

RAY HARDY, District Clerk, Harris County, Texas

By [Signature] Deputy

CAUSE NO. 599218 DEFENDANT'S NAME Eugene Broxton
 IN THE 20912 DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, PAM KNOBLOCH Court Reporter for the 20912 District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

179 Video ✓
30-192 photo ✓
13-190 sheet rock ✓
8-203 photos ✓
205 print card ✓
6-215 photos ✓

DEFENDANT'S EXHIBITS

FILED
 KATHLEEN YRA
 DISTRICT CLERK
 HARRIS COUNTY
 MAY 11 2 35 PM '92
Pam Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 10 19 92 RAY HARDY, District Clerk, Harris County, Texas
 TIME: 4:30 A.M./P.M. By [Signature] Deputy

CAUSE NO. 599218 DEFENDANT'S NAME Eugene Broxton
 IN THE 20912 DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. _____ OF HARRIS COUNTY, TEXAS
 I, PAM KNOBLOCH Court Reporter for the 20912 District Court/County Criminal Court
 at Law No. _____, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause:
 (LIST EXHIBITS, INCLUDING SERIAL AND/OR MODEL NUMBER)

STATE'S EXHIBITS

16-216A Diagrams ✓
17-218 photos ✓
219 title ✓
220 license ✓
21-228 Photos ✓
229 Application ✓
230 Stipulation ✓

DEFENDANT'S EXHIBITS

FILED
 KATHLEEN YRA
 DISTRICT CLERK
 HARRIS COUNTY
 MAY 11 2 35 PM '92
Pam Knobloch
 COURT REPORTER

I, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above with no responsibility as to the weights or veracity of contents in the above styled and numbered cause.

DATE: May 10 19 92 RAY HARDY, District Clerk, Harris County, Texas
 TIME: 4:35 A.M./P.M. By [Signature] Deputy

JURYW (AND2) JUSTICE INFORMATION MANAGEMENT SYSTEM NOV 07, 2003(C2)
 SPR10 SHERIFF'S PROPERTY ROOM OPT _____ - SPR
 MULTIPLE ITEM ENTRY PAGE: 42 - 42

CASE #: 9105170385 SUBMIT OFF: O.L.MUTR HOM.DIV, _____ DIST/UNIT: 31 / 02
 BADGE : _____ SUBMIT DATE: 05231991 CRT> _____ CAUSE #: _____
 DEFENDANT: UNK _____ ME #: _____ DPS #: _____
 FBI #: _____ MASTER TAG: _____ NARC #: _____ OFFENSE TYPE> 99900_
 REC'D BY: K.SPURLOCK PROPERTY ROOM _____ CARRIER: O.L.MUTR HOM.DIV, _____
 MISC #: _____ PERSONAL ID: _____ SPN: _____ DIM/JOT IND: _ #: _____

QTY	STOR LOC	TYPE	MAKE	MODEL	CAT	SERIAL NUM	ITEM-ID
1	F 11346	E	SW	29	WEA	N893047	66378

DESC: 1) S&W 44 CAL REVOLVER S# N893047 M# 29-3 (GRIP IS CHIPPED; 052093)

OFFENSE RPT#: _____ ORI AGENCY#> _____ OWNER: _ STOLEN: _

DESC: _____

OFFENSE RPT#: _____ ORI AGENCY#> _____ OWNER: N STOLEN: N

=>

1=SINGLE ENTR 2=COPY ARTICL 3=REFUSE UPD 4=RETURN UPDT 5=DESTRUCT UP
 6=RECEIVE UPD 7=BACKWARD 8=FORWARD 9=INQUIRY 10=REFRESH 11=HELP

*in HCSO
evidence*

6=RECEIVE UPD 7=BACKWARD 8=FORWARD 9=INQUIRY 10=RETURN

VIDEO DISPLAY COPIED TO PRINTER KAWZ

JURYW (6ND2) JUSTICE INFORMATION MANAGEMENT SYSTEM JUL 29, 2003(C2)

SPR90 SHERIFF'S PROPERTY ROOM OPT - SPR

GENERAL INQUIRY PAGE: 1 - 17

NUM> C 9105170385 SUBMITTED BY: _____

DATE: _____ DESCRIPTION: _____

STATUS: _ HELD: _ DJST: _ UNIT: _ LOC: _ ITEM ID: _

CRT> _ CAT> _ PROP TYPE> _ MAKE> _ MODEL: _ OWNER: _ STOLEN: _

	HELD	NUM	DESCRIPTION
<A>	SHF	9105170385	D.O.A. SHOOTING/1-PR. BLUE CUT OFF PANTS (EVIDE
	CASE: 9105170385	OWNER:	STOLEN: COURT: ITEM#: 36592
<A>	SHF	9105170385	1-PR. TAN KHAKI PANTS
	CASE: 9105170385	OWNER:	STOLEN: COURT: ITEM#: 36593
<A>	SHF	9105170385	3-BOTTLES OF PROTIFINO COLOGNE
	CASE: 9105170385	OWNER:	STOLEN: COURT: ITEM#: 36594
<A>	SHF	9105170385	PR. BLUE JEANS (ITEMS NOT VERIFIED BY PROPERTY
	CASE: 9105170385	OWNER:	STOLEN: COURT: ITEM#: 36600
<A>	SHF	9105170385	PR. LT. BROWN PANTS
	CASE: 9105170385	OWNER:	STOLEN: COURT: ITEM#: 36601

=> * TOP OF DISPLAY *

1=MULTI ENTRY 2=PROP DET UP 3=PROP RELEASE 4=ATTACH SUMM 5=PROP RETURN

JURYW (6ND2) JUSTICE INFORMATION MANAGEMENT SYSTEM JUL 29, 2003(C2)
SPR90 SHERIFF'S PROPERTY ROOM OPT _____ - SPR
GENERAL INQUIRY PAGE: 17 - 17

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NUM> C 9105170385 SUBMITTED BY: _____
DATE: _____ DESCRIPTION: _____
STATUS: _ HELD: _ DIST: _ UNIT: _ LOC: _____ ITEM ID: _____
CRT> ___ CAT> ___ PROP TYPE> ___ MAKE> _____ MODEL: _____ OWNER: _ STOLEN:

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HELD	NUM	DESCRIPTION
<A>	SHF 9105170385	1-SPENT .44 SLUG(REC.SEALED,061592 FROM DET.
CASE:	9105170385 OWNER:	STOLEN: COURT: ITEM#: 53540
<A>	SHF 9105170385	SEALED ENVELOPE W/ CLOTHING & BINDING(REC. 9
CASE:	9105170385 OWNER:	STOLEN: COURT: ITEM#: 57615
<A>	SHF 9105170385	1) S&W 44 CAL REVOLVER S# N893047 M# 29-3 (G
CASE:	9105170385 OWNER:	STOLEN: COURT: ITEM#: 66378

$$= = >$$

1=MULTI ENTRY 2=PROP DET UP 3=PROP RELFAS 4=ATTACH SUMM 5=PROP RETURN

SEIZURE AND FOREITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

PI

JUNE 30, 1992

TO : DISTRICT ATTORNEY
201 FANNIN #200
HOUSTON , TX 77002

49999997

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 8/14/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 9/14/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 9/14/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 20th DAY OF July 1992.

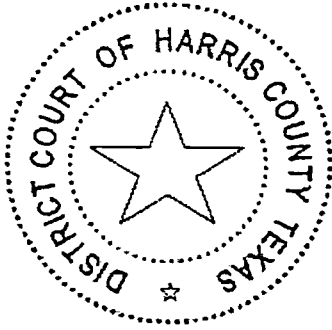
SEIZURE & FORFEITURE COURT

[Signature]

CASE - 9226448 FILED - 061292
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

COURT - 777

VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779660 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

23

92-26448

SM 995
M

THE STATE OF TEXAS

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§
§

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

234TH JUDICIAL DISTRICT

FILED
KATHERINE LYRA
DISTRICT CLERK
HARRIS COUNTY TEXAS
92 JUN 25 3:33 PM
DEPUTY

ORIGINAL ANSWER OF DEFENDANT CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney of record, Chris Flood, and in answer to the Original Notice of Seizure and Intended Forfeiture against the same says more particularly as follows:

1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.


2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992 and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Claimant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

and that he have all of the relief at law and in equity to which he may show himself justly entitled.


Respectfully submitted,

DeGUERIN & DICKSON


Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700
Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Original Answer of Defendant Carla J. Smith has been forwarded to Mr. Brian Johnson, Assistant District Attorney, by mailing a copy to 201 Fannin Street, Suite 200, Houston, Texas 77002 on this 25th day of June, 1992.


Chris Flood

AFFIDAVIT

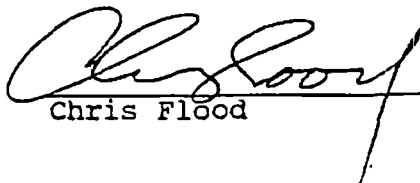
THE STATE OF TEXAS

COUNTY OF HARRIS

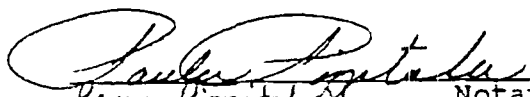
Y
Y
Y

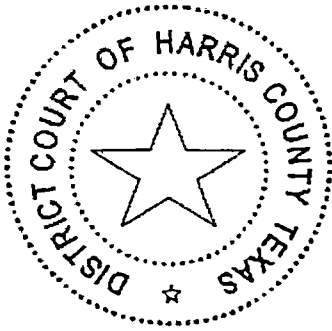
BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood, who, after being by me first duly sworn, on her oath deposed and said:

"My name is Chris Flood. I am the attorney for the Defendant, CARLA J. SMITH and have been authorized to file the Original Answer to which this Affidavit is attached. All statements contained in said Original Answer are true and correct."


Chris Flood

SUBSCRIBED AND SWORN TO BEFORE ME on this the 25TH day of June, 1992.


Paula Pizzitella, Notary Public
In and for The State of Texas
My commission expires _____



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 1, 2011

Certified Document Number: 33779698 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

93

P-2
JCC/H
an

NO. 92-26448

THE STATE OF TEXAS

X
X
X
X
X

IN THE DISTRICT COURT

V.

OF HARRIS COUNTY, TEXAS

APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

234TH JUDICIAL DISTRICT

ORDER SUSTAINING PLAINTIFF'S SPECIAL EXCEPTIONS

On July 22, 1992 came on to be heard Plaintiff's Special Exceptions to Respondent's First Amended Original Answer and the same are hereby sustained as follows: Plaintiff's First Special Exception is Sustained and Plaintiff's Second Special Exception is Denied.

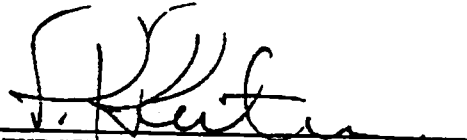
The Court hereby finds that it is apparent from the Respondent's First Amended Original Answer that she has negated her interest as owner or interest holder in the subject matter property and therefore her standing as a party to this suit. THEREFORE, it is hereby ORDERED that the special exceptions to Respondent's First Amended Original Answer in the instant cause, filed by Plaintiff are sustained as reflected above. The Respondent is ORDERED to amend her petition and include therein any relevant, material facts which would establish such ownership or interest and thereby her standing to proceed as a party. Said amended Answer must be filed within by August 24, 1992, to avoid striking of Respondent's Answer.

The Court further ~~orders~~^{sets} this cause ~~over~~^{set} for trial on the merits on November 16, 1992.

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming

The Clerk ~~is ORDERED to~~ ^{shall} mail copies of this order to counsel for Respondent and for Plaintiff.

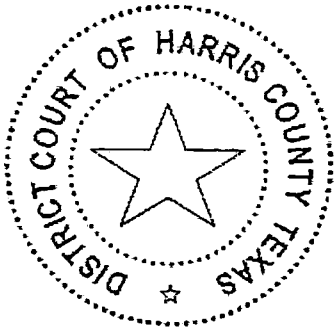
SIGNED this the 24th day of August, 1992.


JUDGE PRESIDING
234TH DISTRICT COURT

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming

FILED
KATHERINE TYRA
DISTRICT CLERK
HARRIS COUNTY, TEXAS
92 AUG 12 AM 10:40

BY _____ DEPUTY



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

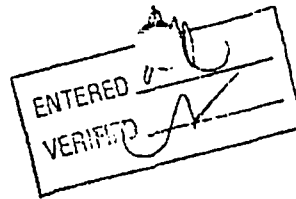
Certified Document Number: 33779688 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

me


92-26448



945

THE STATE OF TEXAS
 VS.
 APPROXIMATELY
 \$1,000,000.00 IN UNITED
 STATES CURRENCY

§
§
§
§
§
§

IN THE DISTRICT COURT OF
 HARRIS COUNTY, TEXAS
 234TH JUDICIAL DISTRICT

FILED
 KATHERINE YRA
 DISTRICT CLERK
 HARRIS COUNTY, TEXAS
 92 SEP 11 2:12 PM
 BY *[Signature]*
 DEPUTY

SECOND AMENDED ORIGINAL ANSWER OF
CLAIMANT CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, equitable owner herein of the Respondent property, by and through her attorney, Chris Flood, and in answer to the Original Notice of Seizure and Intended Forfeiture against the approximately \$1,000,000.00 in United States Currency referenced above says more particularly as follows:


1. CARLA J. SMITH, owner of the Respondent property as defined by Art. 59.01(5) Tex.C.Crim.Proc., and a necessary party to this proceeding by virtue of her having a possessory interest in the place where the Respondent property was seized, pursuant to Art. 59.04(j) Tex.C.Crim.Proc., denies the allegations contained in paragraphs IV and VI of Plaintiff's Original Notice of Seizure and Intended Forfeiture, and demand strict proof thereof.

2. Owner further says that the Respondent \$1,000,000.00 in United States currency is not subject to forfeiture because it was illegally seized on June 12, 1992 and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. currency.

WHEREFORE, PREMISES CONSIDERED, CARLA J. SMITH prays that the Court will in all things deny the State's Original Notice of Seizure and Intended Forfeiture as prayed for, and that she will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. currency and that she shall have all of the relief at law and in equity to which she may show herself justly entitled.

Respectfully submitted,

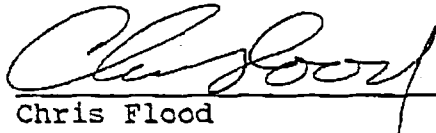
DeGUERIN & DICKSON



Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700
Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Second Amended Original Answer of Claimant Carla J. Smith has been forwarded to Mr. Brian Johnson, Assistant District Attorney, by hand delivering a copy to 201 Fannin Street, Suite 200, Houston, Texas 77002 on this 11th day of September, 1992.



Chris Flood

AFFIDAVIT


THE STATE OF TEXAS

COUNTY OF HARRIS


Y
Y
Y

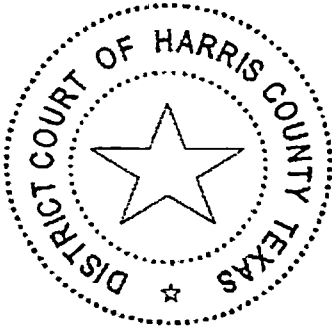
BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood, who, after being by me first duly sworn, on her oath deposed and said:

"My name is Chris Flood. I am the attorney for the Claimant, CARLA J. SMITH and have been authorized by her to file this Seconded Amended Original Answer to which this Affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."


Chris Flood

SUBSCRIBED AND SWORN TO BEFORE ME on this the 11th day of September, 1992.


_____, Notary Public
In and for The State of Texas
My commission expires _____



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779687 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

SEIZURE AND FORFEITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

(PI)

SEPTEMBER 8, 1992

TO : DISTRICT ATTORNEY
201 FANNIN #200
HOUSTON , TX 77002

49999997

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 10/16/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 11/16/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are
9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 11/16/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

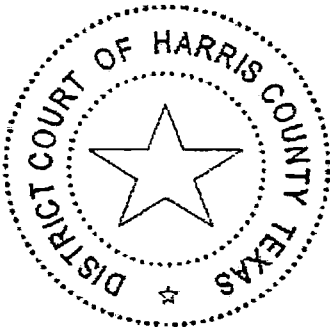
SIGNED THIS 14th DAY OF September 1992.

SEIZURE & FORFEITURE COURT

[Signature]

CASE - 9226448 FILED - 061292
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

COURT - 777
VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779659 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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SEIZURE AND FORFEITURE COURT

301 SAN JACINTO, ROOM 829
HOUSTON, TEXAS 77002
TELEPHONE (713) 755-6730

SEPTEMBER 8, 1992

TO : FLOOD, CHRISTOPHER M.
1018 PRESTON 7TH FL
HOUSTON , TX 77002

07155700

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be designated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
3. 10/16/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date.
4. N/A AMENDMENTS to pleadings shall be filed by this date.
5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
6. 11/16/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are 9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
7. 11/16/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 14th DAY OF September 1992.

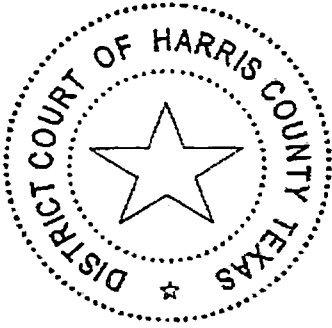
SEIZURE & FORFEITURE COURT



CASE - 9226448 FILED - 061292
TYPE - SEIZURE & FORFEITURE
STATE OF TEXAS

COURT - 777

VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779658 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

12 - P-1 PDX 12 65

NO. 92-26448

THE STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN UNITED
STATES CURRENCY

§ IN THE DISTRICT COURT
§
§ OF HARRIS COUNTY, TEXAS
§
§ 234TH JUDICIAL DISTRICT

O R D E R

On this the 13th day of October, 1992, came on to be heard Plaintiff's Motion to correct the caption of the above action. It appears to the court that Motion is well taken and should be granted.

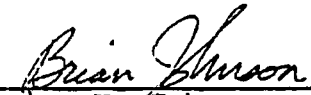
IT IS THEREFORE ORDERED, that the caption in the above action is changed to read \$888,598.00 in United States Currency.

SIGNED this 13th day of October, 1992.


HONORABLE JUDGE PRESIDING

APPROVED AS TO FORM:

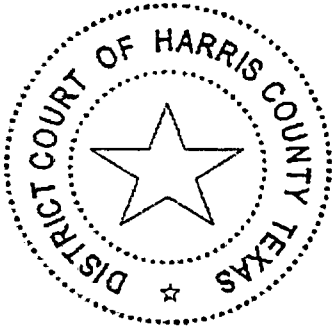
BY:


Brian K. Johnson
Assistant District Attorney
Special Crimes Bureau
201 Fannin, Suite 200
Houston, Texas 77002-1901
(713) 755-5840
TBC # 10685600

RECORDER'S MEMORANDUM
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filing

FILED
KATHERINE TYRA
District Clerk
12-01-12
Harris County, Texas
By [Signature]
Deputy

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-01-01 BY 60322
EXEMPT FROM DISCLOSURE
UNDER E.O. 13526



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779664 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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SX-2

92-26448

STATEMENT OF PERSON IN CUSTODY

Date June 12, 1992Time 10:42 p.m.Statement of Carla Jeannett Smith taken in Harris County, Texas.Prior to making this statement I have been warned by Detective M.R. Daniel, the person to whom this statement is made, that:

- 1) I have the right to remain silent and not make any statement at all and any statement I make may and probably will be used against me at my trial;
- 2) Any statement I make may be used as evidence against me in court;
- 3) I have the right to have a lawyer present to advise me prior to and during any questioning;
- 4) If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning; and
- 5) I have the right to terminate the interview at any time.

Prior to and during the making of this statement I knowingly, intelligently, and voluntarily waive the rights set out above and make the following voluntary statement:

I have been informed that under the Penal Code of the State of Texas, Section 37.02: A person commits the offense of "Perjury" if, with intent to deceive and with knowledge of the statement's meanings; he makes a false statement under oath or swears to the truth of a false statement previously made; and the statement is required or authorized by law to be made under oath.

My full name is Carla Jeannett Smith. I am a black female, 25 years of age, having been born on 2-8-67. I currently reside at 9603 Homestead. I live there alone. My TDL# is 12741322. My SS# is 452-52-7018. My home phone number is 635-7529. I am currently employed at the Swiss Village Apartments, 9603 Homestead, phone 633-8547.

On 5/19/92 I rented an apartment at the Oaks of Woodforest Apartment Complex, apartment #95. I have been in the process of moving but my car had broken down. Since I did not have a ride I have been staying at the Swiss Village Apts. where I work.

The last time I was at the apartment was the first weekend in June 1992.

Officer Daniel asked me to come to the Wallisville Substation and give this statement in reference to a large sum of money that was found in my apartment which I was moving into.

When I left my apartment the first week end in June 1992 there was no safe or large sum of money in my apartment. I do not know who the large sum of money or safe in the apartment belongs to.

FILED

KATHERINE TYRA
District Clerk

Harris County, Texas

By [Signature]
Deputy

Statement of Carla Jeannett Smith

page 2 of 2

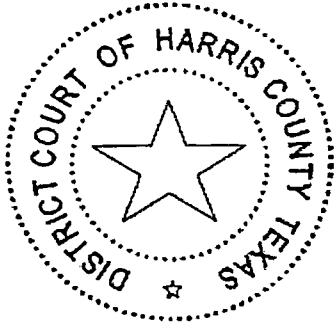
I came to the Wallisville Substation strictly to give my statement in regards to the money which I have no knowledge of.

I can read and write the English Language and I have read this statement which I have made consisting of two pages and I find it to be true and correct to the best of my knowledge. I gave this statement of my own free will.

Carla Jeannett Smith

Subscribed and sworn to before me the undersigned authority on this the 12th day of June A. D. 1992.

Sherri Lyn Hicks, Notary Public in and for Harris County, Texas. My Commission expires 03-08-96.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779673 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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1. COMPLAINANT (LAST, FIRST, MIDDLE) STATE OF TEXAS		6. OFFENSE AS REPORTED: SHOOTING - INVESTIGATION	
FACE	SEX	AGE	DOB
DL#	7. OFFENSE CHANGED TO: ACQUIRED STOLEN PROPERTY & ARMS PROP.		
8. LOCATION OF OFFENSE: 250 WVADE #95			
3. HOME TELEPHONE BUSINESS TELEPHONE		9. DISTRICT/KEY MAP: 3A/457 W	
10. TYPE OF PREMISES: APT. COMPLEX			
11. DAY/DATE/TIME: FRI/6-12-92/855AM			
12. VEHICLE INVOLVED MAKE		LIC	
MODEL		LIS	
COLOR		LTY	
13. PROPERTY INVOLVED:			
QTY	ITEM TYPE	SERIAL #	BRAND
MODEL #	MODEL #	QAN#	MISC
VALUE			
14. SYNOPSIS: U/HO INVESTIGATING A REPORTED SHOOTING AT 250 WVADE #95. I ACQUIRED TWO PISTOLS ONE OF WHICH WAS STOLEN, AND A LARGE AMOUNT OF AMERICAN CURRENCY.			
CASE STATUS			
UNFOUNDED			
CLEARED/ARREST			
EXCEPTIONAL/CLEARED			
CASE OPEN			
REPORTING DEPUTY			
UNIT #			
BADGE #			
SECOND DEPUTY			
UNIT #			
BADGE #			
DATE APPROVED			
APPROVING SUPERVISOR			

HARRIS COUNTY SHERIFF'S DEPARTMENT

OFFENSE REPORT

CASE NUMBER 92-06120646

HARRIS COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENT REPORT

SE NUMBER

92-06120646

HARRIS COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

COMPLAINANT (LAST, FIRST, MIDDLE) STATE OF TEXAS		LOCATION OF OFFENSE 250 UVALDE #95				DATE 6/12/92
REPORTER/WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
BUSINESS ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
WORK ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
WITNESS (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	DOB	DL#
HOME ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						HOME TELEPHONE
WORK ADDRESS, NUMBER, STREET, P. O. BOX, CITY, STATE, ZIP						WORK TELEPHONE
INTRODUCTION/YOUR LOCATION 300 NORMANDY	FROM WHOM DISP	TIME RCVD 849 AM	TIME ARRIVED 855 AM	FIRST OFFICER ON SCENE Worley		
SCENE SUMMARY: THE SCENE WILL BE APT#95, AT THE OAKS OF WOODFOREST APT. COMPLEX, LOCATED AT 250 UVALDE, ON THE WEST SIDE OF THE ROADWAY. APT#95 IS ON THE FIRST FLOOR OF A TWO STORY APT. BUILDING THAT CONTAINS NUMEROUS OTHER APTS. APT#95 FACES NORTH. VISIBILITY EXCELLENT, DUE TO ARTIFICIAL INTERIOR LIGHTING, DURING DAYTIME HOURS.						
INVESTIGATIVE NARRATIVE: ON FRI, 6/12/92, AT 849 AM, I, DEPUTY G. WORLEY, U#4551, WAS ON PATROL IN THE 300 BLK OF NORMANDY, WHEN I WAS ADVISED BY THE DISP. OF A SHOOTING, TWO WOUNDED OR DEAD, AND A LARGE AMOUNT OF DRUG MONEY, AT 250 UVALDE #95, THE OAKS OF WOODFOREST APTS. UPON MY ARRIVAL, AT 855 AM, I FOUND THE FOLLOWING. AS DEPUTY C. WHITSEY, U#4554, DEPUTY M. SMITH, U#4557, AND I						
HOSPITAL	AMBULANCE/NO. OF ATTENDANTS		DOCTOR	INJURIES		M. E.
EVIDENCE/PROPERTY RCVD (YES) NO	PROPERTY ROOM (YES) NO	TAG #	CRIME LAB (YES) NO	PHOTOS (YES) NO	OTHER	

HAR COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

APPROACHED THE APT. WE OBSERVED THREE BULLET HOLES, ABOUT HEAD LEVEL, IN A BEDROOM WINDOW, ADJACENT TO THE FRONT DOOR. I ALSO OBSERVED A BULLET HOLE IN THE FRONT DOOR, APPROX. AT EYE LEVEL.

REALIZING THE DISTINCT POSSIBILITY THAT THERE WERE WOUNDED OR DEAD IN THE APT., I KNOCKED ON THE FRONT DOOR, AND PUSHED. THE DOOR, WHICH WAS NOT LOCKED, OPENED. I YELLED, "SHERIFF", AND ENTERED, ALONG WITH DEPUTIES WHITSEY AND SMITH. AS OUR EYES ADJUSTED TO THE LIGHT DIFFERENCE, WE HEARD A VOICE SAY "I'M IN HERE, DON'T SHOOT". THE VOICE CAME FROM A D/M, WHO IDENTIFIED HIMSELF AS HOYLE MINDENHALL, WHO WAS GETTING OUT OF A BED IN THE MASTER BEDROOM. I DIRECTED HIM TO A COUCH IN THE LIVING ROOM, A SECURE PLACE. ALSO IN THE BED, ON THE FAR SIDE, WAS A W/F, IDENTIFIED BY HER TDC AS STACEY LYSACK, 2/26/77. AFTER SECURING HER, AND CLEARING THE APT., FOR OUR SAFETY, DEPUTIES WHITSEY AND SMITH BEGAN TALKING WITH OCCUPANTS. AS THIS WAS TAKING PLACE, I NOTICED TWO PISTOLS ON THE MASTER BEDROOM FLOOR, WITHIN ARMS REACH OF WHERE THE D/M HAD BEEN LAYING ON THE BED.

GENTLY RECOVERING THE PISTOLS, I FOUND THAT ONE PISTOL WAS A SIX INCH BLUE STEEL, S/W, .44 MAGNUM, MODEL 29, S# N893047. THE SECOND PISTOL, A TWO INCH BLUE STEEL, S/W, .38 SPECIAL, MODEL 36, S# 85052 WAS LOADED WITH SIX LIVE ROUNDS. THE .44 MAG. HAD FOUR SPENT ROUNDS, AND TWO LIVE. CHECKING THE SERIAL NOS. WITH OUR DESK, I WAS ADVISED THAT THE .38 WAS NOT REPORTED STOLEN. HOWEVER, THE .44 MAG. WAS REPORTED STOLEN UNDER HCSD CASE NUMBER 91-05170385, AND WAS A MURDER WEAPON, THAT HAD NEVER BEEN RECOVERED. I THEN SECURED BOTH GUNS IN MY PATROL CAR.

AS THIS WAS TAKING PLACE, SGT. J. RANKIN, U#455, ARRIVED, AND OBTAINED A VOLUNTARY CONSENT TO SEARCH FROM MR. MINDENHALL. UPON RETURNING TO THE APT., MR. MINDENHALL STATED THAT AT APPROX. 100 AM, 6/12/92, FRI. TWO UNKNOWN D/M'S, WEARING SKI MASKS, HAD PUSHED THEIR WAY IN BEHIND HIS GIRLFRIEND, STACEY LYSACK, AND POINTED UNKNOWN TYPES OF GUNS AT THEM. ACCORDING TO MR. MINDENHALL THE TWO UNKNOWN

REPORTING DEPUTY	UNIT #	BADGE #	SS #	DATE OF REPORT
G. WORLEY	4551	1102	49076	6/12/92

HAY COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

B/M'S DEMANDED MONEY. MR. MINDENHALL STATED THAT HE WAS ABLE TO GET TO THE MASTER BR. AND RETRIEVE THE .44 MAGNUM, AND FIRE FOUR SHOTS, FROM THE BEDROOM, AT THE TWO SUSPECTS. HE THEN ADVISED THAT BOTH SUSPECTS THEN FLED.

AS MR. MINDENHALL WAS RELATING THE STORY TO ME A QUICK SEARCH OF THE APT. WAS TAKING PLACE. THE SEARCH REVEALED A CASHBOX IN A HALLWAY CLOSET, THAT WHEN OPENED, CONTAINED A HEAVY WHITE POWDERY RESIDUE. SGT. RANKIN, USING A "C-MAK" TEST KIT, OBTAINED A POSITIVE RESULT FOR COCAINE. WE ALSO FOUND A LOCKED CLOSET DOOR, ADJACENT TO THE BATHROOM. THE DOOR HAD NO KNOB, ONLY A KEY LOCK.

FORCING THE DOOR OPEN, WE FOUND A SAFE, MADE BY STAR, MODEL # UNK, S#JIS-51037, STANDING AGAINST A WALL. THE SAFE, APPROX. FOUR FT. TALL, AND APPROX THIRTY INCHES WIDE, WAS THE ONLY ITEM IN THE CLOSET, NO CLOTHING OR PERSONAL ITEMS. REALIZING THAT THE INVESTIGATION WAS TAKING DIFFERENT TURN, WE STOPPED OUR SEARCH, AND AWAITED THE ARRIVAL OF THE NARCOTICS DOGS. AT THIS POINT, DEPUTY SMITH TRANSPORTED BOTH SUBJECTS TO STR. 3, FOR FURTHER INVESTIGATION.

WHILE AWAITING THE ARRIVAL OF THE DOG UNIT, I CHECKED THE PARKING AREA, NORTH OF THE APT. FOR ANY PHYSICAL EVIDENCE. THERE, I FOUND A LARGE CALIBER SLUG, DEFORMED, APPROX. ONE HUNDRED FEET FROM THE APT. DUE TO THE LARGE NUMBER OF BYSTANDERS, BY THIS TIME, I RECOVERED THE SPENT SLUG. AS I WAS LOOKING FOR MORE, I WAS APPROACHED BY A W/F WHO IDENTIFIED HERSELF AS PAULA MITTS, 6/24/64, 250 UVALUE#94, P#455-2942, AND A B/F, WHO IDENTIFIED HERSELF AS RAMONA CONNER, 11/7/64, 250 UVALUE#90, NO PHONE. THEY BOTH STATED THAT THE B/M FROM APT#95, DID INDEED LIVE THERE, AND WAS KNOWN TO THEM AS "QUIQ". THEY ALSO ADVISED ME THAT A SECOND B/M, KNOWN TO THEM AS "DEREK", ALSO LIVED THERE. THE B/M, "QUIQ" RETRIEVED HIS CLOTHES FROM THE SECOND BEDROOM.

AT APPROX. 1015AM, OFFICER G. DOYLE, (HPD), ARRIVED ON THE SCENE WITH HIS DOG. OBSERVING THE DOG WORK, THE DOG REACTED VIOLENTLY (POSITIVE) TO BOTH THE CASHBOX IN THE HALLWAY, AND THE LOCKED SAFE IN THE CLOSET. A SHORT

REPORTING DEPUTY

UNIT #

BADGE #

SS #

DATE OF REPORT

G. WORLEY

4551

1102

49076

6/12/92

HARRIS COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENT REPORT

CASE NUMBER 92-06120646

TIME LATER, OFFICER N. CHALINE, ALSO WITH HPD, ARRIVED WITH HIS DOG. HIS DOG ALSO ALERTED (POSITIVE) TO BOTH THE CASH BOX AND THE SAFE.

DEPUTY SMITH, AT STA. 3 WITH BOTH SUBJECTS, OBTAINED A VOLUNTARY CONSENT TO SEARCH FOR THE SAFE IN THE CLOSET, FROM MR. MINZENHALL. WE THEN WERE ABLE TO REMOVE THE SAFE, WHICH WAS EXTREMELY HEAVY, FROM THE CLOSET TO THE PATIO AREA, IN ORDER TO OPEN IT. AS WE WORKED TO OPEN THE SAFE, WE TOOK A SHORT BREAK TO REST. WHILE WE STOPPED MOMENTARILY, I OBSERVED A LATE MODEL, MAROON 4-DR. NISSAN, PARKED IN FRONT OF THE APT., OCCUPIED BY ONE B/M. BOTH NETTS AND CONNER BEGAN YELLING "THAT'S HIM, THAT'S DEREK".

OFFICER CHALINE AND I THEN APPROACHED THE B/M, AND ASKED FOR HIS T.O.L. HE ADVISED ME THAT HE DID NOT HAVE A D.L. WITH HIM. AT THIS POINT OFFICER CHALINE AND I SECURED HIM, PENDING FURTHER INVESTIGATION. AT APPROX. 1110 AM, SGT. RANKIN, OFFICERS DOYLE, CHALINE, AND I, SUCCEEDED IN OPENING THE SAFE, AND FOUND A LARGE AMOUNT OF AMERICAN CURRENCY.

SGT. RANKIN THEN NOTIFIED LT. GRIFFIN, HARRIS CO. NARCOTICS AND ADVISED HIM OF THE SITUATION. A SHORT TIME LATER, DET. J. PRUITT, AND R. DANIELS, ARRIVED ON THE SCENE. DET. PRUITT AND I TRANSPORTED THE CASH TO THE OCU OFFICE, WHERE IT WAS THEN TAKEN BY DET. PRUITT AND D.A. INVESTIGATOR JOE VERA, TO AMERICAN BANK TO BE COUNTED. DEPUTY WHITSEY TRANSPORTED THE SECOND B/M, DEREK THOMAS, TO STA. 3 WHERE THEY WERE LATER INTERVIEWED BY NARCOTICS DETS. THE TWO PISTOLS WERE RELEASED TO HOMICIDE DET. TALUNRY, U#3104, AT APPROX. 3 PM, FRI, 6/12/92. I.D. UNIT # 7108 PROCESSED THE SCENE. SEE I.D. SUPPLEMENT, BY DEPUTY R. SHIELDS. THE LOCKING CASH BOX WAS RELEASED TO LT. N. GRIFFIN, AND WILL BE SUBMITTED TO M.E.'S OFFICE FOR FURTHER ANALYSIS. A GREEN ZIP-UP BAG, WHICH HAD CONTAINED CURRENCY, INSIDE THE SAFE, WAS SUBMITTED TO THE PROPERTY ROOM FOR STORAGE. SUBJECTS RELEASED TO OCU DETECTIVES. THE MICRO-CASSETTE TAPE FROM THE ANSWERING MACHINE WAS ALSO PLACED IN THE PROPERTY ROOM FOR SAFE KEEPING.

REPORTING DEPUTY

UNIT #

BADGE #

SS #

DATE OF REPORT

G. WORLEY

4551

1102

49076

6/12/92

WRECKER TIP

B 09110

CASE # 92-06120646 DATE 6/12/92 TIME 4:21 PM
 COLOR(S) Red YEAR 91 MAKE NISSAN BODY STYLE 4DR
 LICENSE 12/92 TX CWH-706 VIN JN1HJ01P8LT446575
MO YEAR STATE NUMBER
 REASON FOR REMOVING CAR: PRISONERS VEH
 NAME OF DRIVER: DERRECK THOMAS
 LOCATION FROM WHICH VEHICLE TAKEN: 2506 WALDE
 WRECKER SERVICE: DISPAYNE CHIP #283
 STORAGE ADDRESS: 2000 HWY 90
 PHONE: 328-8346

INVENTORY OF VEHICLE CONTENTS

MISSING PARTS

1-STATS SAFE
Serial # JIS-S1037

INDICATE DAMAGE TO VEHICLE: Front End Damage,
Minor Body Damage

HOLD: SEIZURE ☐ OTHER: ☐

SIGNATURE OF WRECKER DRIVER

DEPUTY

(INDICATE REASON)

BADGE # 1183UNIT # 1557

WRECKER

IP

B 09109

CASE # 92-06120646 DATE 6/2/92 TIME 6:21 pm
 COLOR(S) BLK YEAR 91 MAKE NISSAN BODY STYLE 2DR
 LICENSE 12/92 TX DCK-59R VIN JN1MS34P7MA002791
MO/YEAR STATE NUMBER
 REASON FOR REMOVING CAR: PRISONER'S VEHICLE

NAME OF DRIVER: _____

LOCATION FROM WHICH VEHICLE TAKEN: 250 UvaldeWRECKER SERVICE: DISPAYNE CHIP # 257STORAGE ADDRESS: 2000 Hwy 80PHONE: 328-8346

INVENTORY OF VEHICLE CONTENTS

1-BLK - Foulde Blouse
1-Flawce Blouse
1-BLK/white dress
1-COIN purse

MISSING PARTS

INDICATE DAMAGE TO VEHICLE: Left Front Damage, LEFT
FLAT TIRE, LEFT BACK Dent

HOLD: SEIZURE ☐ OTHER: _____

SIGNATURE OF WRECKER DRIVER

(INDICATE REASON)

DEPUTY

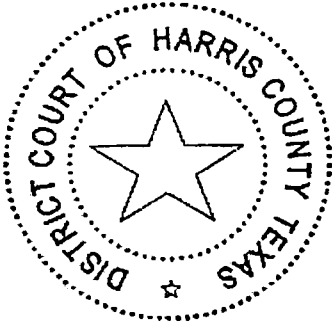
BADGE #

UNIT #

Pat Smith

D.A.A

of c.



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779666 Total Pages: 7

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

NO. 92-26448

THE STATE OF TEXAS \$ IN THE DISTRICT COURT
 VS. \$ OF HARRIS COUNTY, TEXAS
 \$888,598.00 IN UNITED \$ 234TH JUDICIAL DISTRICT
 STATES CURRENCY

FINAL JUDGMENT OF FORFEITURE

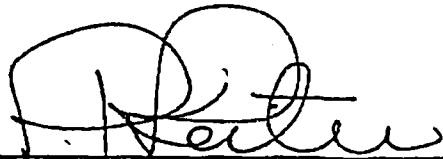
BE IT REMEMBERED that on this the 17th day of November 1992, came on to be considered the above styled and numbered cause filed heretofore on June 12, 1992. The State of Texas appeared by and through her Assistant District Attorney Brian K. Johnson. Respondents, Kobie Mendenhall and Derek Thomas were served and, after due notice to the Respondents herein, it now appears that no answer or appearance has been filed by Kobie Mendenhall and Derek Thomas claiming an interest in the property which is the subject of this forfeiture. Respondent, Carla J. Smith appeared by and through her attorney of record Chris Flood. An agreement has been reached between Plaintiff and Respondent Smith whereby \$8,000.00 is not subject to forfeiture. The Court has jurisdiction of the subject matter and parties, and Final Judgment should be granted for the State of Texas and against the remaining \$880,598.00 in United States Currency and Kobie Mendenhall and Derek Thomas. It is therefore:

ORDERED, ADJUDGED, and DECREED that the \$8,000.00 in United States currency is not subject to forfeiture and is subject to return to Carla J. Smith.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the rest and remainder, being \$880,598.00 in United States Currency is

forfeited: seventy percent (70%) to the Harris County Sheriff's Department; twenty-seven percent (27%) to the Harris County District Attorney's Office, Special Crimes Bureau, into Harris County Treasurer's Fund number 5922, titled "Seized Property Fund D.A."; and that three percent (3%) to the Harris County Treasury Fund number 5940, titled "Drug Abuse Prevention/Treatment Fund"; all to be administered by both agencies and Harris County in compliance with their local agreement, the Code of Criminal Procedure, Article 59.06(c), and audited in accordance with Article 59.06(g). Costs of court are charged against the party incurring same. All relief not granted is denied.

SIGNED this the 24th day of November, 1992.


JUDGE PRESIDING

V7055 P0690

APPROVED AS TO FORM:

BY:

Brian Johnson
Brian K. Johnson
Assistant District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901
(713) 755-5840
Bar Card #10685600
ATTORNEY FOR PLAINTIFF

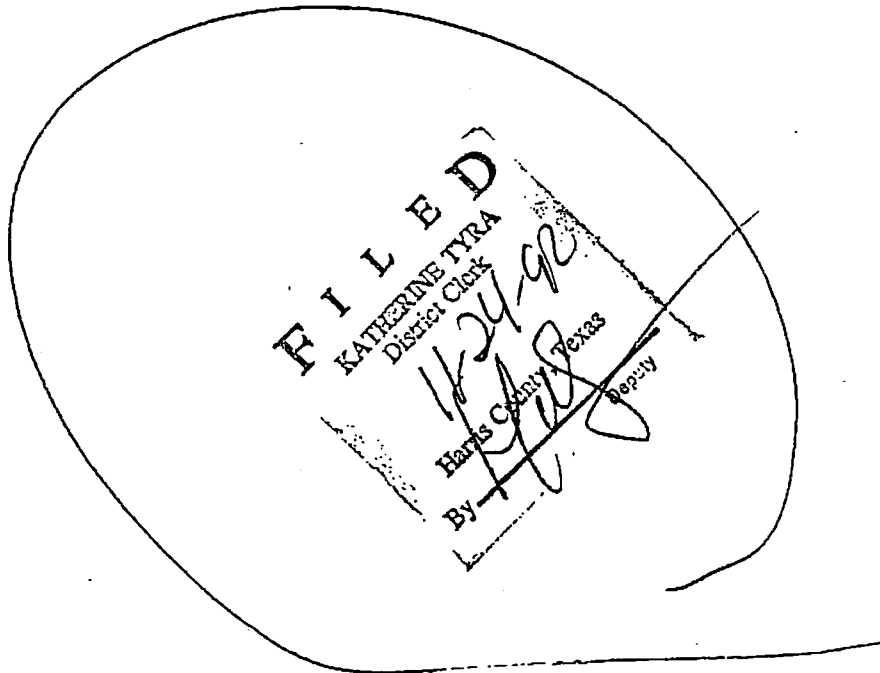
BY:

Brian Johnson for Chris Flood, by permission
Chris Flood
DeGuerin & Dickson
1018 Preston, 7th Floor
Houston, Texas 77005
(713) 223-5959
Bar Card # 07155700
ATTORNEY FOR RESPONDENT SMITH

RECORDER'S MEMORANDUM
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filing

V7055 P0691

Handwritten text, possibly a signature or date, is visible above the stamp.



P-1
4X @CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the above and foregoing motion for a new trial has been furnished to the Assistant District Attorney assigned to this case on this 11th day of November, 1992.

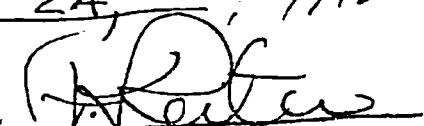

 LEROY PEAVY

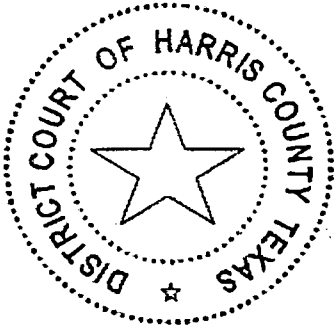
92-18768 The State of TEXAS vs- 3,765⁰⁰
 157th
ORDER

Be it Remembered that on this the 24th day of November, 1992 ~~the~~ the Court heard the Motion of Respondent, George Washington J.C. for an ~~Order~~ ~~Order~~ a New Trial. ~~The court examined the Respondent's Motion~~ The parties informed the Court that an agreement had been reached regarding the Motion for New Trial. The Court is of the opinion ^{therefore} that the Motion should be granted. It is therefore:
 Ordered, Adjudged and Decreed that the Motion for New Trial ~~is~~ is hereby granted.

Signed on this November 24, 1992.

RECORDER'S MEMORANDUM
 This instrument is of poor quality
 and not satisfactory for photographic
 recordation; and/or alterations were
 present at the time of filing


 JUDGE Presiding



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779663 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

- (iii) any felony under The Securities Act (Article 581-1 et sequ., Vernon's Texas Civil Statutes);
- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code; or
 - (iii) a felony under Article 350, Revised Statutes;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision; or
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision."

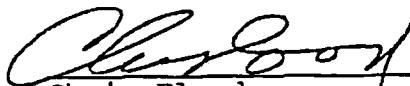
2. Defendant filed her general denial on June 25, 1992. A general denial places in issue all allegations which are necessary to sustain Plaintiff's cause of action. See Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex. 1984); Shell Chemical Co. v. Lamb, 493 S.W.2d 742 (Tex. 1973); Boswell v. Handley, 397 S.W.2d 213 (Tex. 1966); Novak v. DeWied, 574 S.W.2d 204 (Tex. Civ. App. - San Antonio 1978, writ ref'd., n.r.e.); McFadden v. Breslar Malls, Inc., 526 S.W.2d 258 (Tex. Civ. App. - Austin 1975, judgment modified and affirmed pursuant to remittitur, 548 S.W.2d 789 (Tex. Civ. App. - Austin 1977, no writ)); State v. Margolin, 439 S.W.2d 695 (Tex. Civ. App. - Austin 1969, writ ref'd., n.r.e.); America Nat. Ins. Co. v. Ferguson, 209 S.W.2d 797 (Tex. Civ. App. - Eastland 1948, writ ref'd, n.r.e.). Therefore,

Defendant's general denial placed in issue whether or not the Respondent property constitutes contraband, as defined, and thus forfeitable. This Court must first decide whether the Respondent Property is forfeitable and, if not, return the subject property to any individual, other than the State, showing a superior interest. The State, through its Special Exceptions, is attempting to force Defendant to prove her interest, if any, before proving that the Respondent Property is subject to forfeiture.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court deny Plaintiff's Special Exceptions to Respondent's Original Answer, order that First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

Respectfully submitted,


DeGUERIN & DICKSON



Chris Flood
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood

NO. 92-25448

STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY

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IN THE DISTRICT COURT OF

HARRIS COUNTY, T E X A S

234TH JUDICIAL DISTRICT

O R D E R

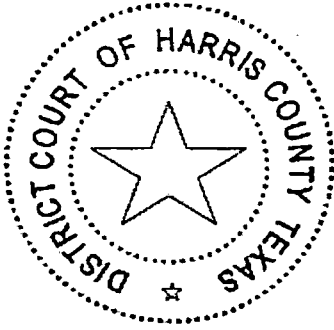
UPON PRESENTATION OF Response to Plaintiff's Special
Exceptions, it is hereby ---

ORDERED that Plaintiff's Special Exceptions to Respondent's
Original Answer is hereby DENIED. It is further --

ORDERED that Defendant's First Amended Original Answer of
Carla J. Smith places into issue all allegations made by
Plaintiff.

SIGNED in Harris County, Texas on the ____ day of _____,
1992.

JUDGE PRESIDING



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779693 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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ENTERED *1*VERIFIED *1*

NO. 92-26448

DEPUTY

80:01 AM 17 JUL 2011

995

STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY*
*
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*
*
*IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
234TH JUDICIAL DISTRICTRESPONSE TO PLAINTIFF'S SPECIAL EXCEPTIONS
TO RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in response to Plaintiff's Special Exceptions to Respondent's Original Answers, requests that Plaintiff's Special Exceptions be denied, saying more particularly in support hereof as follows:

1. Plaintiff, pursuant to Art. 59.02, Tex. Code Crim. Pro., filed Plaintiff's Original Notice of Seizure and Intended Forfeiture, alleging that the Respondent \$1,000,000.00 constitutes contraband as defined under Art. 59.01, Tex. Code Crim. Proc. This Court, by virtue of Art. 5, §8 of the Texas Constitution, and Art. 59.04 has jurisdiction to determine whether the Respondent Property constitutes contraband. Contraband, as defined by Art. 59.01, is:

"(2) 'Contraband' means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Chapters 29, 30, 31, or 32, Penal Code; or

- (iii) any felony under The Securities Act (Article 581-1 et sequ., Vernon's Texas Civil Statutes);
- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code; or
 - (iii) a felony under Article 350, Revised Statutes;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision; or
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision."

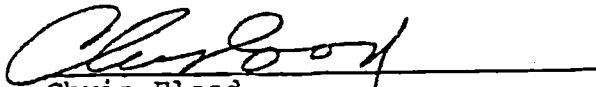
2. Defendant filed her general denial on June 25, 1992. A general denial places in issue all allegations which are necessary to sustain Plaintiff's cause of action. See Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex. 1984); Shell Chemical Co. v. Lamb, 493 S.W.2d 742 (Tex. 1973); Boswell v. Handley, 397 S.W.2d 213 (Tex. 1966); Novak v. DeWied, 574 S.W.2d 204 (Tex. Civ. App. - San Antonio 1978, writ ref'd., n.r.e.); McFadden v. Breslar Malls, Inc., 526 S.W.2d 258 (Tex. Civ. App. - Austin 1975, judgment modified and affirmed pursuant to remittitur, 548 S.W.2d 789 (Tex. Civ. App. - Austin 1977, no writ)); State v. Margolis, 439 S.W.2d 695 (Tex. Civ. App. - Austin 1969, writ ref'd., n.r.e.); America Nat. Ins. Co. v. Ferguson, 209 S.W.2d 797 (Tex. Civ. App. - Eastland 1948, writ ref'd, n.r.e.). Therefore,

Defendant's general denial placed in issue whether or not the Respondent property constitutes contraband, as defined, and thus forfeitable. This Court must first decide whether the Respondent Property is forfeitable and, if not, return the subject property to any individual, other than the State, showing a superior interest. The State, through its Special Exceptions, is attempting to force Defendant to prove her interest, if any, before proving that the Respondent Property is subject to forfeiture.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court deny Plaintiff's Special Exceptions to Respondent's Original Answer, order that First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.


Respectfully submitted,

DeGUERIN & DICKSON


Chris Flood
1013 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood

NO. 92-26448

STATE OF TEXAS	*	IN THE DISTRICT COURT OF
	*	
V.	*	
	*	HARRIS COUNTY, T E X A S
	*	
APPROXIMATELY	*	
\$1,000,000.00 IN	*	
UNITED STATES CURRENCY	*	234TH JUDICIAL DISTRICT

O R D E R

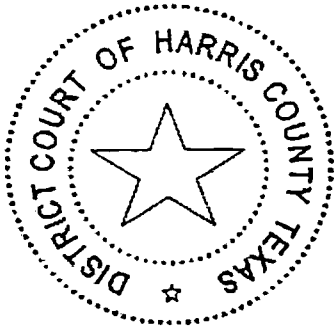
UPON PRESENTATION OF Response to Plaintiff's Special Exceptions, it is hereby ---

ORDERED that Plaintiff's Special Exceptions to Respondent's Original Answer is hereby DENIED. It is further --

ORDERED that Defendant's First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

SIGNED in Harris County, Texas on the ____ day of _____,
1992.

JUDGE PRESIDING



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779692 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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NO. 92-26448

STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
FILED
JUL 5 2011
DEPUTY
1992 JUL 17 AM 10:00
2661
234TH JUDICIAL DISTRICT

FIRST AMENDED ORIGINAL ANSWER OF
CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in answer to the Original Notice of Seizure and Intended Forfeiture against the same, says more particularly as follows:

1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.

2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992, and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,

DeGUERIN & DICKSON

A handwritten signature in cursive script, appearing to read "Chris Flood", is written over a horizontal line.

Chris Flood
Attorney for Claimant
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

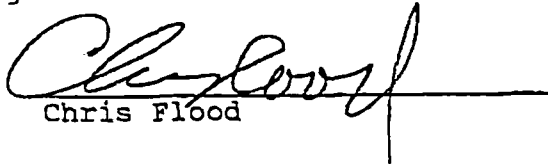
A F F I D A V I T

STATE OF TEXAS *

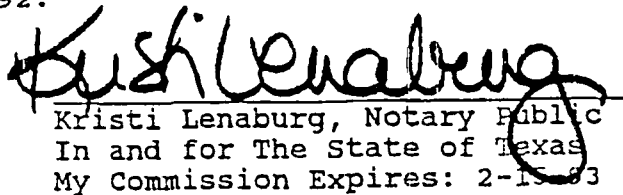
COUNTY OF HARRIS *

BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood who, after being duly sworn by me, deposed and said:

"My name is Chris Flood. I am the attorney for Defendant Carla J. Smith and have been duly authorized by her to file this Amended Original Answer and Claim to which this affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."

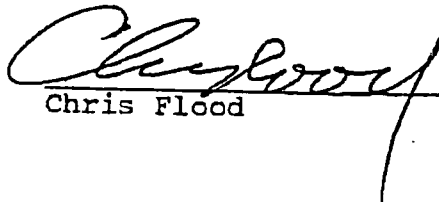

Chris Flood

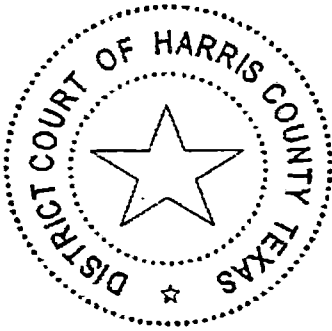
SUBSCRIBED AND SWORN to before me, the undersigned authority, on the 16th day of July, 1992.


Kristi Lenaburg, Notary Public
In and for The State of Texas
My Commission Expires: 2-15-93

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779697 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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NO. 92-26448

STATE OF TEXAS

V.

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
234TH JUDICIAL DISTRICT

FIRST AMENDED ORIGINAL ANSWER OF
CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in answer to the Original Notice of Seizure and Intended Forfeiture against the same, says more particularly as follows:

1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.


2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992, and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,

DeGUERIN & DICKSON


Chris Flood
Attorney for Claimant
1018 Preston, 7th Floor
Houston, Texas 77002
(713) 223-5959
State Bar No. 07155700

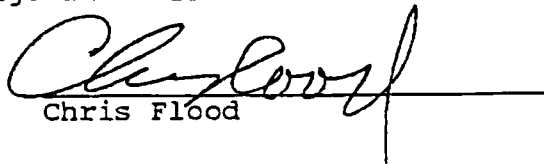
A F F I D A V I T

STATE OF TEXAS *

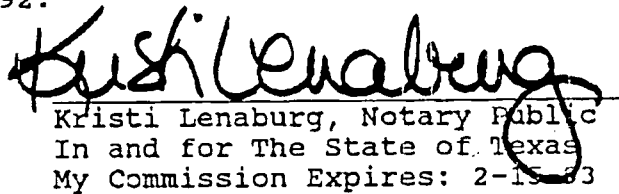
COUNTY OF HARRIS *

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"My name is Chris Flood. I am the attorney for Defendant Carla J. Smith and have been duly authorized by her to file this Amended Original Answer and Claim to which this affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."

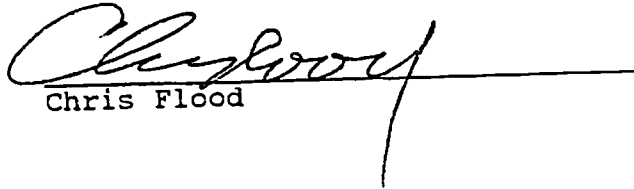

Chris Flood

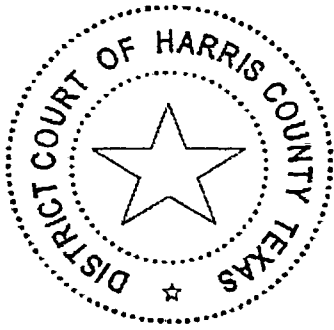
SUBSCRIBED AND SWORN to before me, the undersigned authority, on the 16th day of July, 1992.


Kristi Lenaburg, Notary Public
In and for The State of Texas
My Commission Expires: 2-15-93

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.


Chris Flood



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 1, 2011

Certified Document Number: 33779696 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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